

EXHIBIT W

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

ANTHONY MANGANIELLO,
Plaintiff,

-against-

Index No.
07 Civ. 3644(HB)

THE CITY OF NEW YORK, DET. LUIS AGOSTINI,
individually and as a New York City Police
Detective, SHAWN ABATE, individually and as a
New York City Police Detective, DEREK PARKER,
individually and as a New York City Police
Detective, LT. HENRY SCOTT, individually and as a
New York City Police Lieutenant, P.O. ALEX PEREZ,
individually and as a New York City Police
Officer, P.O. MIRIAN NIEVES, individually and as
a New York City Police Officer, MICHAEL PHIPPS,
individually and as a the Commanding Officer of
the 43rd Precinct, JOHN MCGOVERN, individually
and as a New York City Police Detective Sergeant,
ROBERT MARTINEZ, individually and as a New York
City Police Detective, GERYL MCCARTHY,
individually and as a New York City Police
Deputy Inspector,
Defendants.

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December 19, 2007

10:17 a.m.

DEPOSITION OF DETECTIVE RICHARD MARTINEZ



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DETECTIVE RICHARD MARTINEZ

29

1 A. Detective Agostini.

2 Q. Did you ever testify before a grand
3 jury that indicted Mr. Manganiello?

4 A. I was thinking about that. Nothing
5 to my recollection. I don't think I -- no. Not
6 to my recollection that I testified.

7 Q. Did you ever speak with Christine,
8 A.D.A Christine Sacca, concerning the
9 investigation into the murder of Albert Acosta?

10 A. Again, not to -- yeah, no. Not to
11 my recollection, no.

12 Q. Let me direct your attention back to
13 the day of Mr. Acosta's murder.

14 A. Uh-huh.

15 Q. On February 12th, 2001, did you have
16 a memo book?

17 A. No.

18 Q. Did you have any kind of book which
19 you used to keep notes?

20 A. Yes.

21 Q. What did you have?

22 A. It's just a spiral pad.

23 Q. Okay. And what kind of information
24 did you put in that spiral pad on February 12th,

1 with the Verizon employee, did the Verizon
2 employee tell you that he wore an earpiece?

3 A. Yes.

4 Q. Drawing your attention to
5 Plaintiff's Exhibit 6, which is the DD-5
6 concerning your interview with Police Officer
7 Ortiz. According to this DD-5, did either Police
8 Officer Ortiz or Rodriguez tell you what time
9 they responded to Apartment 5E?

10 A. No.

11 Q. Did either of them tell you what
12 time they left Apartment 5E?

13 A. No.

14 Q. Did they tell you what time Mr.
15 Manganiello left Apartment 5E?

16 A. No.

17 Q. Okay. Now, Detective Martinez, did
18 you fabricate any statements or evidence in your
19 investigation of the homicide?

20 A. No.

21 Q. Did you withhold any information
22 concerning the investigation from the District
23 Attorney's Office?

24 A. No.

DETECTIVE RICHARD MARTINEZ

103

1 Q. Did you falsify any information
2 about the homicide of Albert Acosta?

3 A. No.

4 Q. Did you coerce any witness to
5 testify against Mr. Manganiello?

6 A. No.

7 Q. Did you coerce any witness to make a
8 statement in this case?

9 A. No.

10 Q. Did you threaten any witness to
11 testify against Mr. Manganiello?

12 A. No.

13 Q. Did you threaten any witness to make
14 a statement?

15 A. No.

16 Q. Okay.

17 MS. FROMMER: I'm done.

18 MR. JOSEPH: Some follow-ups.

19 MS. FROMMER: Sure.

20

21 FURTHER EXAMINATION BY

22 MR. JOSEPH:

23 Q. Sir, the Verizon individual, did he
24 have an earpiece in one ear or both ears?

C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.
COUNTY OF PUTNAM)

I, RAYMOND ROGENER, JR., Court
Reporter and Notary Public within and for the
County of Putnam, State of New York, do hereby
certify:

That I reported the proceedings that
are hereinbefore set forth, and that such
transcript is a true and accurate record of said
proceedings.

AND, I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand.


RAYMOND ROGENER, JR.

Court Reporter